REMARKS

Claims 1, 8, and 15 have been amended. The remainder of claims 1-23 are in their original form.

The rejection of Claims 1-20 under 35 U.S.C. 103(a) as unpatentable over Havre in view of Hao is respectfully traversed. As previously set forth in the prosecution of this Application, there is no line in Havre representative of the total value of the same time dependent variable to which the numbers of the respective elements add up to, e.g. total sales to which the elements, the sales for each city contribute. (The claims have been amended to stress this function.) The graphs of Havre stack different "themes". These themes of Havre are not representations of the same time dependent variable. In the example in Fig 3, of Havre, the total of the individual values of the use of the three words (themes) "cane", and "weapons", and "Brazil" would have no significance as a combined total. They are apparently unrelated to each other. It is the individual totals of these words (themes) that are important, and not the sum of these individual totals which is not even shown or discussed in Havre's Figure 3.

In the instant Official Action, the Examiner points to Figs. 5 and 6 in Havre which he argues show the proportion of values contributed by the individual elements to the total line 54. In section, col. 6, lines 21-24, the references still continue to use "thematic labels" such as "cane" which again refers to the different elements which contribute to any total in the graph. Thus, even in Figs. 5 and 6 in Havre, the two superimposed stacked areas are described as representing different themes. It must be emphasized that because Havre's elements i.e. themes are not the same time dependent variable, the top boundary lines

have no significance other than to frame the values of the individual different themes for Havre's purposes of comparing individual elements. In this connection, it is noted that at column 7, lines 1-15 of Havre, when a composite peak 54 is referred to, it is only for the purpose of centering the composite graph about the center line of Fig. 6.

Furthermore, Havre still does not teach manipulating the graphs of the contributing individual elements in the line graphs by either hiding and then displaying or reordering their positions. In this connection, the Examiner directs attention to column 6, lines 21-24 of Havre. This section does not refer to hiding or display of Havre's themes. It is merely referring to a standard user interface to display or hide display interface items such as identifiers i.e. labels or gridlines. This paragraph is clearly not intended to relate to the actual stacked themes in the graph.

The modifying Hao reference does not make up for the deficiencies of Havre as a reference. Examiner points to paragraph 027 in Hao to teach the concept of a display of a group of elements of the same time-dependent variable stacked under a line representing the total value of the same time dependent variable. The graph of Fig. 3D referenced in the section of Hao fails as a teaching in many respects. First, the graph, e.g. "Category n" is not time dependent i.e. it does not change with time. Also, the variable is not the same time dependent variable; element 86 is the percetage of average response times; element 88 is the percentage of below average response times; and element 84 is the percentage ofabove average response times. Thus, even though all three elements deal with response time, there is time variable dependency. Hao's description,

[0028] notes that each category has the same height i.e the % averages always total 100% . Thus, there is no teaching or suggestion that the total in each category varies with time; the total of each of the categories is constant and unvaried. The three different variables i.e. the percentages of high, the percentage of low, and the percentage of average response times in sales transactions do not collectively change a total variable. The total is constant i.e. 100%. Further, with respect to the graph of Fig. 3D, there can be no suggestion of a time dependent variation (X-axis) of the individual elements. It should noted that in Section 0028 in Hao, it is set forth that the categories having greater numbers of sales are wider. Since the X axis in the graph of Fig. 3d is used for the width variable, it can not be used for a time variable. The teaching of this X axis width variable would actually lead one skilled in the art away from even considering any X-axis time dependent variable.

In summary, for the reasons set forth above, even if Havre and Hao were combined as suggested by Examiner, the combination would still not teach the following elements in all of the claims: there is no suggestion of 1) a line representing the total value of a time dependent variable; or of 2) an ordered set of the same time-dependent element areas beneath the total area line which contribute to the total value line, and 3) there are no hiding or reordering operations directed to the ordered set of elements. While Hao does manipulate graphic elements, the reference does not suggest manipulating.

The rejection of Claims 1-20 under 35 U.S.C. 103(a) as unpatentable over Havre in view of Hao further in view of Chedgey et al. is also respectfully traversed. In addition to being patentable for all of the reasons set forth

hereinabove, specific claims 7, 14, and 21 may be even further distinguished from the combination of Havre in view of Hao. Claims 7, 14, and 21 define an implementation (illustrated by ordered icons 71, 72, 75 in Figs. 3 and 4 of the present Application) wherein a plurality of icons on the display each represent one of the individual areas; and the user may interactively reorder the position of the selected area by reordering the position of the selected icon representative of the selected area.

For this specific implementation, the Examiner points to thematic labels 49 in Havre. The sole purpose of these labels in Havre is to identify the layers in the graphs. Insofar as Applicants can determine, these labels are not user-interactive for any purpose. While Hao may be said to teach manipulation of graphic elements, it does not teach reordering positions of graphic elements by reordering the positions of icons representing such elements.

The Examiner looks to Chedgey for a teaching of reordering positions of graphic elements by reordering the positions of icons representing such elements. Given the most favorable interpretation to Examiner's argument, perhaps Chedgey could be said to teach that sets of display panels or windows could be represented by hierarchical nodes in hierarchical trees, and that the hierarchy nodes may be rearranged to thereby rearrange interface arrangement of the related display panels/windows. It is submitted that such a relationship of nodes and panels in Chedgey does not suggest modifying the combination of Havre and Hao to thereby represent layers in a stacked graph of the same time dependent variable collectively contributing to an top or upper line representing the total of the underlying time dependent variables by icons, and then interactively reordering the positions of selected layers by reordering

the position of selected icons. As will be hereinafter argued in greater detail, such a combination of the three references can only be made in the light of Applicants own teaching.

Applicants respectfully traverse the rejection of claims 21-23 under 35 U.S.C. 103(a) as being unpatentable over the combination of Havre in view of Hao, or the combination of Havre in view of Rao, with each combination further in view of Yonts et al. (US6,590,577).

The Yonts Patent is Owned by the Assignee of the Present Application, and Thus Can Not Preclude Patentability Under 35 U.S.C. 103(c). The present Application and the Yonts Patent reference were commonly owned by International Business Machines Corporation, the Assignee herein at the time the invention of the present Application was made.

The file of the present Application indicates that an Assignment of the present Application to said Assignee is filed in the Patent Office. Also the printed Yonts Patent indicates that it is assigned to the same Assignee.

Since the present Application has a filing date after November 29, 1999, and the Yonts Patent would qualify as prior art under the provisions of 35 U.S.C. 102(e), it is submitted that the Yonts patent can not be used to preclude patentability based upon 35 U.S.C. 103(c). [Examiner's attention is directed to MPEP Sections 706.02(l); (l)(1); (l)(2); and (l)(3).]. Accordingly, Examiner is respectfully requested to withdraw Yonts as a reference, and thereby render claims 21-23 patentable.

Claims 1-20 are unobvious over the combination of Havre et al. (US6,466,211) in view of Rao et al. (US6,085,202) under 35 USC 103(a). The limitations and deficiencies of

the Havre et al. patent have been completely described hereinabove.

Rao does make up for these deficiencies. Rao discloses a specific implementation in which graphical images may be rendered in tables of columns and rows for better defined presentation. While the columns and rows may be manipulated and reordered, nothing is suggested about the reordering and manipulation of the graphical images themselves or the elements making up the graphical images as in the present invention.

If anything, the Rao teaching would lead away from the present invention. Rao converts the visual graphic images into tables because his graphics can not be manipulated or reordered. Thus, the suggestion from Rao is that if you are to manipulate and reorder graphic images, you convert such images to a table format. This leads away from the present invention.

Therefore, Applicant submits that the proposed combinations of Havre and the Hao or Rao references or further with the Chedgey reference is being made not with the requisite foresight of one skilled in the art, but rather with the hindsight obtained solely by the teaching of the present invention. This approach cannot be used to render Applicant's invention unpatentable.

What the Examiner has done is used Applicant's disclosure as a guideline, and the picked and combined elements from each of the Havre and Hao or Rao and Chedgey references based solely of Applicant's own teaching.

> "To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art references of record convey nor suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its

teacher." W. L. Gore, 721 F 2d at 1553, 220 USPQ, pp. 312-313.

> "One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." In re Fine, 5 USPQ 2d 1596 (C.A.F.C.) 1988.

Accordingly, it is submitted that the suggestion for combining Havre, Hao, Rao and Chedgey in the manner proposed by the Examiner could only come from Applicants' own teaching, and, thus, cannot form any basis for a combination of references.

Furthermore, even if the Examiner's proposed combinations of references could be made, the combination would still not teach the following elements in all of the claims: 1) there is no suggestion of a line representing the total value of a time dependent variable, or of 2) an ordered set of the same time-dependent element areas beneath the total area line which contribute to the total value line, and 3) there are no hiding or reordering operations directed to the ordered set of elements. While Rao does manipulate graphic elements, the reference does not suggest manipulating.

In view of the foregoing, claims 1-23 are submitted to be in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted,

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